

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: HAZEL DELL TOWNE CENTER

Case Numbers: PST2004-00008

Legal Description: Tax Lots 29 (145790), 84 (145305), and 153 (145371) in the Northeast and Southeast quarters of Section 3, Township 2 North, Range 1 East of the Willamette Meridian

Request: Post decision review (pst) to modify the Southeast quadrant of the preliminary approved site plan (PSR2002-00013)

Applicants: Kimco Developers, Inc.
Attn: Kurt Kurti
8383 Wilshire Blvd., Suite 950
Beverly Hills, CA 90211
Phone - (360) 576-1889

Owner: Hazel Dell Towne Center of Washington, LLC
See applicant for owner contact

Contact: Miller Nash LLP
Attn: Meridee Pabst
P.O. Box 694
Vancouver, WA 98666
Phone - (360) 699-4771, **E-mail -** meridee.pabst@millernash.com

Location: 507 NE 88th Street

DECISION

Approval, subject to conditions

Team Leader Initials: _____ **Date Issued:** _____

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Ali Safayi	4102	ali.safayi@clark.wa.gov
Engineer: (Trans. Concurrency):	Richard Gamble	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov

Comp Plan Designation: MU (Mixed Use)

Zoning: R-43 (Multi-Family Residential), CL (Limited Commercial), C3 (Community Commercial)

Applicable Laws:

Clark County Code Sections: 12.05A (Transportation); 12.41 (Concurrency); 13.08A (Sewerage); 13.29 (Stormwater and Erosion Control Ordinance); 13.40 (Water); 15.12 (Fire); Title 18 (Zoning); Title 20 (SEPA); Comprehensive Plan, Arterial Atlas

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association - Bud Van Cleve, 1407 NE 68th Street, Vancouver, WA 98665

Cougar Creek Neighborhood Association - Clayton Rhodes, 213 NW 94th Street, Vancouver, WA 98665

Time Limits:

The application was submitted on March 10, 2004 and determined to be fully complete on March 31, 2004. The project was placed on-hold for 14-days for the applicant to submit revised site and landscape plans. The County requirement for issuing a decision within 78 days lapses on July 1, 2004. The State requirement for issuing a decision within 120 calendar days lapses on August 12, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference (PAC) is required, the application may earlier contingently vest on the date the fully complete PAC is filed. A PAC was not required; therefore, the application is vested on the fully complete submittal date of March 10, 2004.

Public Notice:

Notice of application was mailed to the applicant, the Neighborhood Association, and property owners within 300 feet of the site on April 14, 2004.

Public Comments:

The County has received a comment letter from Jon Bacon (an area neighbor) with concerns regarding the disruption to adjacent residential properties during construction. Staff notes that the proposed post decision review will not result in significant changes that the approved project will have on the adjacent residential properties.

Project Description

The applicant gained preliminary approval to construct a mixed-use development consisting of 417,816 square feet of commercial building area and 96 residential units on a 42-acre site. A previous post decision review included the following modifications:
--

- Staging plan relating to the timing of some improvements in the overall development schedule
- Relocation of improvements in the southwest quadrant of the development project (area bound by NE Hazel Dell Avenue, NE 90th Street, NE 5th Avenue and NE 88th street)
- Modification to Condition D-11 relating to transportation improvements on NE 7th Avenue and NE 99th Street

The applicant now proposes a modification to the southeast quadrant of the preliminary approved site plan that includes a 3.5% increase in building area.

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff 's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 - Building Design

The approved preliminary plan identifies 93,442 square feet of building area in the southeast quadrant of the development site with 60,586 square feet of building area along I-5. The proposed plan identifies 96,770 square feet of building area in the southeast quadrant of the development site with 76,032 square feet of building area along I-5. Staff is not concerned with the 3,328 square foot increase of building area within the southeast quadrant, but is concerned about an increase in building area in the overall development. Building area within other quadrants will need to be adjusted so

there is not a significant increase in the total areas in the overall development. (See Condition A-1)

The pst identifies a larger concentration of building area along I-5 (17,446 square feet more than the preliminary approval). Staff was concerned with this proposal because it increases the amount of tenant space with visual auto orientation to I-5. However, staff finds that with conditions, the proposed plan can ensure a pedestrian friendly design (see below Finding 2).

Finding 2 - Pedestrian Friendly Design

The original plan concept was to create a mixed use/pedestrian friendly development with small shops in the center of the site (intersection of NE 90th Street & NE 5th Avenue). Pedestrian connections would serve other portions of the site including buildings along I-5. Although Building I has been moved and oriented away from the southern east/west pedestrian connection through this quadrant, staff finds that the proposed pedestrian orientation can be at least equal to the approved plan.

There are three east/west pedestrian connection through this quadrant compared to the two originally proposed. The proposed plan pushes the original Building B (now Building I) up against NE 5th Avenue and 88th Street increasing pedestrian orientation.

The revised plan submitted with this pst identifies Building H (originally Building K) fronting NE 5th Avenue as well as a small frontage along NE 90th Street as in the approved plan with a plaza including a water feature, seating areas, and landscaping. Staff assumes that an entrance is proposed at the corner of Building H just south of the plaza, but it is not clear on the plan. To ensure an adequate pedestrian orientation (as well as consistency with the approved preliminary proposal and the comprehensive plan), staff finds a condition is warranted that requires an entrance at the corner of Building H just south of the plaza as well as at least 50% permeable surfaces in the building facades fronting NE 90th Street & NE 5th Avenue. Permeable surfaces include glass sides/windows, open shops, and other open features. (See Condition A-2)

Finding 3 - Final Site Plan

The applicant has submitted site and landscape plans that identify consistency with the approved preliminary proposal, but dimensions of parking, loading, maneuvering, pedestrian ways, and landscape areas have not be provided. The final site and landscape plans should include detailed dimensions of site features. (See Condition A-3)

Pedestrian route of travel that crosses vehicle maneuvering areas require a crosswalk. The standard requires striping as well a different paving type, elevation change, or other acceptable method of the notifying drivers of a crosswalk pursuant to CCC 18.402A.070 and ADA Standards. The submitted plan does not identity compliance with this requirement. The final site plan should identify two acceptable methods of notifying drivers of pedestrian crosswalks. (See Condition A-4)

ENGINEERING:

Finding 4

The proposed site modifications do not materially affect the transportation and stormwater elements of the previously approved Hazel Dell Towne Center

Development. Staff finds that no new transportation/stormwater related conditions are warranted for the proposed modification.

IMPACT FEES:

Finding 5

Traffic Impact Fees (TIF) apply to the proposal and will need to be modified on a per building basis prior to final site plan approval to correctly address actual building area.

COMPLIANCE WITH PREVIOUS APPROVAL:

Finding 6

Except as modified within this post decision review, all applicable findings and conditions of the original Hearings Examiner Decision (CUP2002-00002; CPZ2002-00008; PSR 2002-00013 and related cases) apply and should be met (see Condition A-5).

DECISION

Based upon the proposed plan and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

Conditions that must be met prior to Final Site Plan approval

- A-1 Staff is concern with an increase in building area in the overall development. Building area within other quadrants shall be adjusted so there is not a significant increase in the total areas in the overall development (see Finding 1). Compliance with this condition will be checked during the final site plan review of the southeast and subsequent stages of the Hazel Dell Towne Center project.
- A-2 To ensure an adequate pedestrian orientation (as well as consistency with the approved preliminary proposal and the comprehensive plan), the final site plan shall identify an entrance at the corner of Building H just south of the plaza as well as at least 50% permeable surfaces in the building facades fronting NE 90th Street & NE 5th Avenue. Permeable surfaces include glass sides/windows, open shops, and other open features. (See Finding 2)
- A-3 The final site and landscape plans shall include detailed dimensions of parking, loading, maneuvering, pedestrian ways, and landscape areas (see Finding 3).
- A-4 The final site plan shall identify two acceptable methods of notifying drivers of pedestrian crosswalks (see Finding 3)
- A-5 Except as modified within this post decision review, all applicable findings and conditions of the original Hearings Examiner Decision (CUP2002-00002;

CPZ2002-00008; PSR 2002-00013 and related cases) apply and shall be met (see Finding 6)

Note: The Development Services Manager reserves the right to develop a complete written report and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on June 30, 2004. Therefore any appeal must be received in this office by 4:30 PM, July 14, 2004.

APPEAL FILING DEADLINE

Date: July 14, 2004

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1,070** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>